



State of West Virginia
Office of the Attorney General

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Attorney General

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**WRITTEN DETERMINATION REGARDING THE
APPOINTMENT OF OUTSIDE COUNSEL ON BEHALF OF
THE GOVERNOR OF WEST VIRGINIA**

The Governor of West Virginia (hereinafter "Governor") is seeking the assistance of outside counsel to assist with currently pending litigation. More specifically, the Governor is seeking legal assistance to defend litigation styled: *G. Issac Sponaugle, III v. James Conley Justice, II*, Civil Action No. 18-P-217, currently pending in the Circuit Court of Kanawha County.

In accordance with the Attorney General's Policy on Outside Counsel (Policy #WVAGO-004), the Office of the Attorney General has determined that it is the interest of the public to appoint outside counsel to assist with the legal matters in question, based on the following factors:

- The Governor is in immediate need of legal services to be performed in Kanawha County, West Virginia.
- This matter involves unresolved questions of constitutional interpretation. As this litigation progresses, there is a potential for a conflict between the legal defense strategies available to defend the particular interests of the Office of the Governor, and the more general interests of the State of West Virginia, as represented by the Office of the Attorney General.
- In light of this potential conflict, the Office of the Attorney General deems it advisable at this time to provide the requested legal services with the assistance of outside counsel.

Accordingly, the Attorney General authorizes the appointment of outside counsel in the current legal matter pursuant to commencement of the request for proposal process laid out in subsection (D) of Policy #WVAGO-004.

A handwritten signature in blue ink, appearing to read "Anthony Martin".

Anthony Martin
Chief Deputy Attorney General

Date Signed: July 5, 2018